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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 09/503,960
Filing Date: February 14, 2000
Appellant(s): RATTERMAN ET AL.

OCT 1 5 2007

GROUP 3600

Robert J. Ratterman et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/16/2007 appealing from the Office action mailed
04/13/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Epinions.com	(Epinions.com acquired from webarchive.org, Nick Patience in "Epinions Launches Online Shopping Guide Built on Trust" from Sept. 1, 1999)
Aho et al.	(*Data Structures and Algorithms*)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47, and 55-58 are rejected under 35

U.S.C. 102(e) as being anticipated by Epinions.com. This is a rejection over the services made

available through the website Epinions.com. The following publications are used to support the

rejection set forth below:

Various archived web pages of Epinions.com acquired from webarchive.org

(WayBackMachine) ranging from Nov. 27, 1999 to Jan. 22, 2000 on pages 1-18 and 21-28.

Nick Patience in "Epinions Launches Online Shopping Guide Built on Trust" from Sept.

1, 1999 on pages 19-20.

As per claim 1, Epinions.com teaches a method comprising:

associating one or more characteristic values with each user of a plurality of users of an

online trading community, the one or more characteristic values representing an individual rating

associated with each user (See pages 2-5, 9-11, and 19, paragraph 3, wherein a characteristic

value is maintained for each user, a user being rated as very useful or useful. The web tool

trades services in a community); and

deriving a community rating uniquely corresponding to a particular user by aggregating

the one or more characteristic values associated with the particular user and the one or more

characteristic values associated with one or more users referred by the particular user to the

online trading community (See at least pages 9 and 10, wherein a community rating is derived

using the web of trust and reviews of the user's opinion by community members. The

community ratings uniquely correspond to the user and use one or more rating values associated

with the user. For example, a community rating is seen on the bottom of page 10, where the

11/22/99 review of Bonies7 is considered very useful by the community. See at least pages 2-5,

9-11, and 19, wherein, for example, Bonies7 web of trust shows her relationship with other users.

The system maintains this relationship structure and presents the community ratings based on the

combinations of the users linked with Bonies7).

As per claim 2, Epinions.com teaches a method wherein the online trading community

comprises an electronic community to trade merchandise over a network, wherein the trading of

the merchandise comprises at least one of buying or selling of goods or services (See at least

pages 1, 6, and 9-11, wherein the electronic community is a community that trades the

merchandise of services over the network).

As per claim 3, Epinions.com teaches a method wherein the network comprises the Internet (See pages 1 and 19, wherein epinions.com is a internet based tool).

As per claim 4, Epinions.com teaches a method wherein the one or more characteristic values comprise a feedback value based on feedback concerning the particular user received from other users of the plurality of users in the electronic community (See pages 9-13 and 19, paragraphs 1-3, wherein each customer can rate and share recommendations and users rate the reviewers and their reviews).

As per claim 5, Epinions.com teaches a method wherein the other users of the plurality of users comprise users that have previously traded with the particular user (See at least pages 9-13 and page 19, sections 1-3, wherein the feedback is written by customers who have traded services with the user previously, wherein the user is rated as very useful, useful, etc. See page 9, which lists the plurality of users that "trust" the user).

As per claim 6, Epinions.com teaches a method further comprising maintaining a relationship tree between each user of the plurality of users, the relationship tree includes sponsorships between the particular user and any users of the plurality of users that were referred by the particular user (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of users that back the opinion of the specific user).

As per claim 7, Epinions.com teaches a method wherein the sponsorship relationships of the plurality of users are represented as a relationship tree including one or more n-ary trees (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of users that back the opinion of the

specific user. So if Bonies7 is trusted by a hypothetical Joe and Joe is trusted by a hypothetical

Sarah, that is a n-ary web or tree of trust).

As per claim 8, Epinions.com teaches a method wherein information concerning the

sponsorship relationships between the plurality of users is stored in a data structure for each user

of the plurality of users (See at least page 9, wherein, for example, Bonies7 web of trust shows

her relationship with other users. The system maintains this relationship structure of users that

back the opinion of the specific user. Furthermore, see page 6 which discusses sponsorship of

members).

As per claim 11, Epinions.com teaches a method wherein the community rating and the

one or more characteristic values comprise one or more of the following: alphabetic values,

numeric values, alpha-numeric values, symbolic values, and graphic values (See pages 2-5, 9-11,

and 19, paragraph 3, wherein a characteristic value is maintained for each user).

Claims 14, 15, 16, and 17 recite equivalent limitations to claims 1, 2, 4, and 6,

respectively, and are therefore rejected using the same art and rationale applied above.

As per claim 21, Epinions.com teaches wherein the community rating for the particular

user represent a reputation value corresponding to the particular user (See pages 9-11, wherein

the user rating represents a reputation value of the user as useful, very useful, etc.).

As per claim 22, Epinions.com teaches a method comprising:

associating a first characteristic value with a first user of a plurality of users within an

online trading community, the first characteristic value being obtained for the first user utilizing

a first feedback value based on feedback received concerning the first user from other users of

the plurality of users (See pages 2-5, 9-11, and 19, paragraph 3, wherein the web tool allows

members to trade services and a characteristic value is maintained for each user, a user being

rated as very useful or useful, etc.. See pages 9-13 and 19, paragraphs 1-3, wherein each

customer can rate and share recommendations and users rate the reviewers and their reviews);

associating a second characteristic value with a second user of a plurality of users,

wherein the second user is referred to the online trading community by the first user, the second

characteristic value being obtained for the second user utilizing a second feedback value based

on feedback received concerning the second user from other users of the plurality of users (See

pages 2-5, 9-11, and 19, paragraph 3, wherein a characteristic value is maintained for each user,

a user being rated as very useful or useful, etc.. See pages 9-13 and 19, paragraphs 1-3, wherein

each customer can rate and share recommendations and users rate the reviewers and their

reviews. The system maintains a relationship structure of users that back the opinion of each

user. Furthermore, see page 6 which discusses sponsorship of members); and

deriving a first community rating for the first user by utilizing an aggregation of the first

characteristic value and the second characteristic value (See page 8, wherein a first community

user is deemed an expert by the quality and quantity of his/her reviews as well as the rating

he/she gives other members. See also pages 2-5, 9-13, and 19, wherein the web of trust shows

who the user trusts (or backs) and who trusts (or backs) him/her. Therefore, the community

rating is made up of the relationship of the user to other users in the community and his/her

rating).

As per claim 23, Epinions.com teaches a method further comprising:

associating a third characteristic value with a third user of the plurality of users, wherein

the third user is referred to the online trading community by the second user, the third

characteristic value is obtained for the third user by utilizing a third feedback value based on feedback received concerning the third user from other users of the plurality of users (See page 8, wherein a community user is deemed an expert by the quality and quantity of his/her reviews as well as the rating he/she gives other members. See pages 2-5, 9-13, 19, and 24, wherein a third value is associated with a third user (the third user "backed" by the second), the third value based on feedback about the user); and

deriving a second community rating for the second user by utilizing an aggregation of the second characteristic value and the third characteristic value (See at least pages 9, 10, and 24, wherein a community rating is derived using the web of trust and reviews of the user's opinion by community members. The community ratings uniquely correspond to the user and use one or more rating values associated with the user. For example, a community rating is seen on the bottom of page 10, where the 11/22/99 review of Bonies7 is considered very useful by the community. The web of trust shows whom the user trusts (or backs) and who trusts (or backs) him/her. Therefore, the community rating is made up of the relationship of the user to other users in the community and his/her rating).

As per claim 24, Epinions.com teaches maintaining a relationship tree between the first user and the second user of the plurality of users, wherein the relationship tree comprises a sponsorship relationship having the second user as a lineal descendent of the first user (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of users that back the opinion of the specific user. See also page 6 which discusses sponsorship of members).

As per claim 25, Epinions.com discloses a method further comprising maintaining a relationship tree between the second user and the third user of the plurality of users, wherein the relationship tree comprises a sponsorship relationship having the third user as a lineal descendant of the second user (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of users that back the opinion of the specific user. See also page 6, which discusses sponsorship of members).

As per claim 26, Epinions.com discloses wherein the relationship tree comprises a nexus between the first user, the second user, and other users referred to by at least one of the first user and the second user (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of connected and linked users that back the opinion of the specific user. See also page 6 which discusses sponsorship of members).

As per claim 27, Epinions.com discloses a method wherein the first community rating comprises a first reputation value corresponding to the first user, and the second community rating comprises a second reputation value corresponding to the second user (See at least pages 9-11, wherein the rating for the user represents a reputation value of the user as useful, very useful, etc. This is done for each member/user in the community).

As per claim 28, Epinions.com teaches a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to:

associating a first characteristic value with a first user of a plurality of users within an online trading community, the first characteristic value is obtained for the first user by utilizing a

first feedback value based on feedback received concerning the first user from other users of the plurality of users (See pages 2-5, 9-11, and 19, paragraph 3, wherein a characteristic value is maintained for each user, a user being rated as very useful or useful, etc.. See pages 9-13 and 19, paragraphs 1-3, wherein each customer can rate and share recommendations and users rate the reviewers and their reviews);

associating a second characteristic value with a second user of a plurality of users, wherein the second user is referred to the online trading community by the first user and the second characteristic value is obtained for the second user by utilizing a second feedback value based on feedback received concerning the second user from other users of the plurality of users (See pages 2-5, 9-11, and 19, paragraph 3, wherein a characteristic value is maintained for each user, a user being rated as very useful or useful, etc.. See pages 9-13 and 19, paragraphs 1-3, wherein each customer can rate and share recommendations and users rate the reviewers and their reviews. The system maintains a relationship structure of users that back the opinion of each user. Furthermore, see page 6 which discusses sponsorship of members); and

deriving a first community rating for the first user by utilizing an aggregation of the first characteristic value and the second characteristic value (See page 8, wherein a first community user is deemed an expert by the quality and quantity of his/her reviews as well as the rating he/she gives other members. See also pages 2-5, 9-13, and 19, wherein the web of trust shows who the user trusts (or backs) and who trusts (or backs) him/her. Therefore, the community rating is made up of the relationship of the user to other users in the community and his/her rating);

Claims 29, 31-32, 40, and 41 recite equivalent limitations to claims 24, 26-27, 23, and 25, respectively, and are therefore rejected using the same art and rationale applied above.

As per claim 42, Epinions.com teaches a method, comprising:

associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user (See pages 2-5, 9-11, and 19, paragraph 3, wherein a characteristic value is maintained for each user, a user being rated as very useful or useful. The web tool trades services in a community); and

determining a community rating uniquely corresponding to a particular user by utilizing (1) one or more characteristic values associated with the particular user (See at least pages 9 and 10, wherein a community rating is derived using the web of trust and reviews of the user's opinion by community members. The community ratings uniquely correspond to the user and use one or more rating values associated with the user).

As per claim 43, teaches associating the community rating to the particular user (See at least pages 9 and 10, wherein a community rating uniquely corresponds to the user).

Claims 44, 45, 47, 55, 56, 57, and 58 recite equivalent limitations to claims 2, 6, 11, 42, 43, 2, and 6, respectively, and are rejected using the same art and rationale applied above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 33-39, 48-51, and 53-54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Epinions.com. Applicant is reminded that this is a rejection over the services

made available through the website, Epinions.com, as discussed above.

As per claims 33 and 34, Epinions.com teaches a system, comprising:

as per claim 33, computers that interact over a network such as the internet (See pages 1

and 19, wherein epinions.com is a internet based tool);

maintaining profile/account information of the users as well as the ratings of the opinions

and users (See pages 3, 5, 6-7, 10, and 21-28, which discusses the maintenance of a profile and

the displaying of past ratings);

a first computer to associate one or more characteristic values with each user of a

plurality of users of an online trading community, the one or more characteristic values

representing an individual rating associated with each user, and to derive a community rating

uniquely corresponding to a particular user by aggregating the one or more characteristic values

associated with the particular user and the one or more characteristic values associated with one

or more users referred by the particular user to the online trading community (See pages 2-5, 9-

11, and 19, paragraph 3, wherein user rates other users using the online interface and a

characteristic value is maintained for each user, a user being rated as very useful or useful. See

at least pages 9 and 10, wherein a community rating is derived using the web of trust and reviews

of the user's opinion by community members. The community ratings uniquely correspond to

the user and use one or more rating values associated with the user. For example, a community

rating is seen on the bottom of page 10, where the 11/22/99 review of Bonies7 is considered very

useful by the community. See at least pages 2-5, 9-11, and 19, wherein, for example, Bonies7

web of trust shows her relationship with other users. The system maintains this relationship

structure and presents the community ratings based on the combinations of the users linked with

Bonies7).

As per claim 34, computers that interact over a network such as the internet (See pages 1

and 19, wherein epinions.com is a internet based tool);

maintaining profile/account information of the users as well as the ratings of the opinions

and users (See pages 3, 5, 6-7, 10, and 21-28, which discusses the maintenance of a profile and

the displaying of past ratings); and

a computer to receive feedback concerning the particular user from other users of the

plurality of users, generate a feedback value corresponding to the particular user based on the

feedback, and transmit the feedback value to the first computer (See pages 2-5, 9-11, and 19,

paragraph 3, wherein a characteristic value is maintained for each user, a user being rated as very

useful or useful, etc. by other users of the systems. See pages 9-13 and 19, paragraphs 1-3,

wherein users can share opinions, rate the opinions of others users, and view the opinions of

others via the network tool and his/her computer).

However, Epinions.com does not expressly disclose a first storage medium or a first

computer coupled with the first storage medium (as per claim 33) or a second storage medium or

a second computer coupled with the second storage medium and first computer via a network

interface (as per claim 34).

Epinions.com teaches an Internet based tool that allows users to maintain a

profile/account as well as see the current and past reviews of products and reviewers. It is old

and well known to use a storage medium associated with a computer in order to store

information, such as account and activity information, in an efficient and reliable manner. It is also old and well known that a network contains multiple connected computers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a storage medium coupled to a second computer and a first computer in the networked system of Epinions.com in order to allow for the more efficient storage and retrieve of all the information of the tool by all users of the system. When multiple users use a website such as Epinions.com, it is old and well known that it is efficient to allow each user to use his/her computer and to use storage mediums to store the information of the system and the profile information of the users.

As per claim 35, Epinions.com discloses computers that interact over a network such as the Internet (See pages 1 and 19, wherein epinions.com is a internet based tool. However, Epinions.com does not expressly disclose that a first computer comprises a server computer and the second computer that comprises a client computer.

Epinions.com discloses a network-based tool through which a user can receive and post opinion information, such as ratings. Using a remote computer to view information on the Internet that is received from a second computer that is a server is old and well known in the web and e-commerce arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the network framework of a second client viewing computer and a first server computer in the network-based tool of Epinions.com in order to more efficiently allow remote users of the system to send and receive information.

Claims 36, 37, 38, and 39 recite equivalent limitations to claims 17, 4, 2, and 3, respectively, and are therefore rejected using the same art and rationale as applied above.

Claims 48-51, 53, and 54 recite equivalent limitations to claims 33-36, 11, and 2, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 9-10, 46, 52, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epinions.com in view of Aho et al. (_Data Structures and Algorithms_).

As per claim 9, Epinions.com teaches a method wherein information concerning the relationships between the plurality of users is stored in a data structure for each user of the plurality of users (See at least page 9, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure of users that back the opinion of the specific user. Furthermore, see page 6 that discusses sponsorship of members). However, Epinions.com does not expressly disclose that the data structure for the particular user contains a pointer to the at least one user of the plurality of users that was referred by the particular user.

Aho et al. teaches a data structure that contains a pointer to the at least one member of a plurality of members (See at least page 87 and figure 3.12, in which the data structure contains a pointer which shows the relationship).

Both Epinions.com and Aho et al. disclose structured relationships of members. It is old and well known in the art to use pointers to show the relationship between entities. For example, in Aho et al.'s book "Data Structures and Algorithms" the use of pointers is shown in figure 3.12 in the data structure to show the relationship between the users (see page 87). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use

pointers in the data structures in order to allow one to quickly and accurately determine a users sponsorship and others in their web of trust.

As per claim 10, Epinions.com teaches a method wherein one or more community ratings for the particular user is derived (See at least pages 9 and 10). However, Epinions.com does not expressly disclose that the one or more community ratings is derived utilizing a recursive routine.

Aho et al. discloses using recursive routines in data structures (See page 76).

Recursive routines are old and well known as efficient ways to manipulate the values of structured data. The reviews of Epinions.com are associated in a web of trust, which is a data structure linking members and members rating in a structured manner to derive overall reviews for a user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a recursive routine when deriving one or more community rating for a user in order to more efficiently program and manipulate the information stored about the user ratings in the web of trust.

Claims 46, 52, and 59 recite equivalent limitations to claim 10 and are therefore rejected using the same art and rationale applied above.

(10) Response to Argument

In the Appeal Brief, the Apellant present the following arguments:

1) Epinions does not teach or suggest one or more users referred by the particular user to the online trading community, and trusted users are not one or more users referred by a particular user

2) Merriam Webster defines "referral, referred" as to send or direct for aid, treatemt, information or decision, and therefore Epinions does not teach or suggest one or more users referred by the particular user to the online trading community because backing another user by providing feedback on his/her review is clearly not a referral

3) Epinions does not teach or suggest combining a value or values associated with a user and a value or values associated with other users referred to the community by the user

4) Epinions does not teach or suggest one or more characteristic values associated with one or more users referred by the particular user to the online trading community or aggregating these values

In response to arguments 1) and 2), Examiner respectfully disagrees. The claims recite "one or more users referred by the particular user to the online trading community". To refer, based on the broadest reasonable interpretation of the term, is to direct to or to make mention of or reference. In Epinions, users are "referred" by a particular user to the community of the user in that the particular user references and mentions other users as a user that the particular user trusts (such as shown on page 9). This link or relationship directs the user to the overall or group and the particular user makes reference to the user or users. In this way, the user is linked to the particular user and thus referred or directed to the community by the particular user. See at least pages 2-5, 9-11, and 19, wherein, for example, Bonies7 web of trust shows her relationship with other users. The system maintains this relationship structure and presents the community ratings based on the combinations of the users linked with Bonies7.

In response to arguments 3) and 4), Examiner respectfully disagrees. The claims recite "deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community". Epinions.com teaches that a rating is derived for a specific user by combining a value/values associated with the user and a value/values associated with other users referred to the web of trust by the user (i.e. directed to the group by association with the particular user). Examiner points out that there is no specific recitation in the claims as to how the deriving or aggregating occurs, what the characteristic values identify, what being "referred by the particular user to the community" functionally entails, etc. Epinions.com obtains at least one rating for the particular user based on the responses of the community to that specific user, the responses of the specific user to other members of the community, and the specific user's interaction with the community. A web of trust is established that shows the community members who trust the specific user (such as shown on page 9) as well as one or more values of quality expressed by other users of the system. A rating that represents the community's overall opinion towards a the particular user is derived, as shown for example on the bottom of page 10, where the 11/22/99 review of Bonies7 is considered very useful by the community. The system also combines into the rating if the specific user is considered an expert by using the opinion of the specific user (the quality and quantity of the particular user's opinions), the particular user's rating (backing) of other users' reviews, and the other users' reviews of the particular user's ratings. See also page 24.

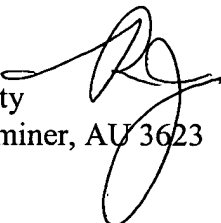## (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Beth Van Doren

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